

-Remarks-

Amendments

Entry of the above amendments and reconsideration and withdrawal of the rejection of Claims 1-13 is respectfully requested.

Applicants have amended the title of the invention as set forth hereinabove, as suggested by the Examiner.

Applicants have amended Claim 1 to remove the phrase "solvate or polymorph." Applicants have amended Claims 2-13 to add the phrase "or a pharmaceutically acceptable salt thereof." Applicants have amended Claims 1 and 8 to remove the term "include" or "includes" therefrom. Claims 1 and 8 were also amended to replace the term "constitutes" with the phrase "are taken together to form." Applicants have amended Claims 5 through 9, inclusive, to change the dependency such that those claims depend from Claims 1-3. Applicants have canceled Claims 14 and 15, without waiver or prejudice. Applicants have added new Claim 16. Support for Claim 16 may be found in original Claims 14 and 15. Applicants reserve the right to file continuation or divisional applications directed to the nonelected or otherwise canceled subject matter of this application.

Applicants hereby request, under *in re Ochiai*, that the Examiner rejoin method Claim 16 upon allowance of compound and composition claims.

The 35 U.S.C. §112 rejections.

Claims 1-11, 13 and 14 have been rejected under 35 U.S.C. §112, second paragraph, as being indefinite for allegedly failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicants respectfully traverse.

The Examiner has stated that Claim 10 recites the limitation "tetrahydropyranyl" in the definition of R⁵. Applicants respectfully traverse. Claim 10 does not impose additional limitations on R⁵. Rather, Claim 10 further limits R⁵. Further, Applicants note that tetrahydropyranyl is within the scope of R⁵ as defined in Claim 1. Specifically, R⁵ can be "a cyclic group selected from R¹, R^K, ..." Further, R^K can be a six membered heteroalicyclic ring containing up to three heteroatoms selected from nitrogen, oxygen and sulphur. This definition includes tetrahydropyranyl within its scope.

Applicants have amended Claims 1 and 8 to remove the terms "include" and "includes" therefrom. The terms "such as" and "particularly" were found only in Claims 14 and 15, which have been canceled. Applicants submit that this rejection is moot.

Claims 1-14 have been rejected under 35 U.S.C. §112, first paragraph, because the specification is allegedly not enabled for solvates or polymorphs. Applicants, while not agreeing with the rejection, but in the interest of expediting prosecution, have canceled the phrase "solvate or polymorph" from Claim 1, thus rendering this rejection moot.

Claim 14 has been rejected under 35 U.S.C. §112, first paragraph, because the claim allegedly contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Applicants have canceled Claim 14, thus rendering this rejection moot. Applicants note that Claim 16 has been added

to the claims. Claim 16 is directed to a method of treating male erectile dysfunction or pulmonary hypertension. Applicants note that sildenafil, a PDE5 inhibitor also known by the tradenames VIAGRA and REVATIO, is marketed for the treatment of male erectile dysfunction and hypertension, respectively.

Claim Objections.

The Examiner has objected to Claim 14 as being a nonstatutory claim as being a compound claim with intended uses and as containing the phrase "congestive heart failure" twice. Claim 14 has been canceled herein, rendering this objection moot.

The Examiner has objected to Claims 5-9 and 14 as being multiply dependent upon a multiple dependent claim. Applicants have amended Claims 5-9 such that they are dependent upon Claims 1-3 and have canceled Claim 14, thus rendering this rejection moot.

Applicants respectfully request that the Examiner reconsider and withdraw the rejections and objections to Claims 1-13, as amended.

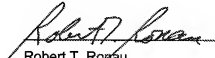
-Conclusion-

Applicants, having responded to all points and concerns raised by the Examiner, believe this application to be in condition for allowance. An early and favorable action is respectfully requested.

Respectfully submitted,

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